I. Call to Order/Roll Call

Chairman Alex Vispoli reconvened the Regular meeting of the Board of Selectmen to order at 7:00 P.M. in the Selectmen's Conference Room at the Town Offices. Roll call: Chairman Vispoli-Y and Selectmen Brian Major-Y, Mary Lyman-Y, Dan Kowalski-Y, and Paul Salafia-Y. Also present: Town Manager Reginald S. Stapczynski and Town Clerk Larry Murphy. The meeting was duly posted and cable-cast live.

II. <u>Executive Session</u>

Chairman Vispoli called the Executive Session to order at 6:02 P.M. in the Board of Selectmen's Conference Room in the Town Offices. On a motion by Paul Salafia and seconded by Dan Kowalski, the Board entered into Executive Session for confidential communications with Town Counsel and Special Town Counsel to discuss litigation strategy in the case of Berberian v. Andover and collective bargaining strategy and that the Chairman declare that an Open Session would be detrimental to the Town's litigation strategy position and collective bargaining position and to return to Open Session. The Chairman so declared that Open Session would be detrimental to the Town's litigation strategy and collective bargaining positions. Roll call: D. Kowalski-Y, P. Salafia-Y, A. Vispoli-Y. Selectmen Mary Lyman and Brian Major arrived after the meeting opened. At 6:56 P.M., on a motion by Dan Kowalski and seconded by Mary Lyman, the Board motioned to adjourn from Executive Session to move to Open Session and not to return to Executive Session. Roll call: A. Vispoli-Y, B. Major-Y, M. Lyman-Y, D. Kowalski-Y, and P. Salafia-Y.

III. Opening Ceremonies

The Chairman asked for a moment of silence followed by the Pledge of Allegiance.

IV. Communications/Announcements/Liaison Reports

The Town Manager made the following announcements:

- \sim The 9/11 Ceremony will be held in front of the Town Offices at 8:30 a.m. The public is invited to attend.
- ~ The Selectmen, School Committee and Finance Committee are invited to participate in a tour of the new Bancroft School on Friday, September 20th at 3:00 P.M.
- ~ The Massachusetts Municipal Association Legislative Breakfast will be held in Danvers on Friday morning, September 27th. The Council on Aging will also be holding a Legislative Breakfast on the morning of September 27th.
- ~ The DPW, in conjunction with the schools, is holding an eco-friendly calendar design contest for students in grades K-12. The focus of the designs cover four topics: single stream recycling, water conservation, composting and environmental protection.
- ~The Center at Punchard held a ribbon cutting ceremony today to celebrate the renovation of their kitchen.

Town Clerk Larry Murphy reported the zoning bylaw amendments passed at Town Meeting were approved by the Attorney General and have been posted.

Selectman Kowalski said he attended the meeting held with residents of Tewksbury Street regarding their traffic and safety concerns. The Town Manager, Police Chief, Safety Officer, Acting DPW Director and Town Engineer were in attendance to listen and address their concerns and gave an impressive presentation. The Town Manager said Representative Lyons also attended. An analysis of the area was conducted in May by the Town departments and the DPW will be repaving and addressing some of the concerns and narrowing the lane lines. A private warrant article may be submitted for the installation of sidewalks.

Selectman Kowalski reported that when using the Town's online permit application recently, he found it to be a easy process and was very impressed. He also commented on the many accomplishments by the Information Technology Department over the Summer. The Town Manager said that although the IT accomplishments are not as visible as the work done to the Senior Center, WMS HVAC upgrade and the DMS site, a lot of work was completed in thirty-five days.

Chairman Vispoli reported that the Andover and North Andover Board of Selectmen will meet on Saturday at 9:00 A.M. at the town's boundary at Merrimack College to jointly perambulate, per the Mass General Laws, to review and confirm the boundary markers. This is a legal requirement performed every five years to make sure the boundary markers have not been moved.

Mr. Vispoli also congratulated everyone who once again made "Andover Day" a tremendous success. There were over 160 vendors and attendance was phenomenal.

The Board congratulated Assistant Town Manager Steve Bucuzzo who has been selected as the new Dracut Town Manager.

V. Citizens Petitions & Presentations

Keith Saxon, Chairman of the Recycling Committee, reported on the MBTA Recycling Day to be held at Brickstone Square on Saturday, October 5th from 10:00 A.M. to 2:00 P.M. The recycling day is open to all towns, you don't have to be a resident of Andover to participate. The only cost is for disposal of computer monitors (\$15) and TV's (\$.50 per bound), and volunteers will unload your car.

Bob Pokress, Cherrywood Circle, commented on last week's *Andover Townsman* editorial about unfunded liabilities. He asked where Andover's action items are and the specific steps the Town needs to take to address its unfunded liabilities. Chairman Vispoli said a detailed discussion will be held at the Tri-Board Meeting on Monday, September 9th.

John Pasquale, 47B Whittier Street, said he is frustrated with the style of decision making by the Board and feels too much time has been spent on reaching decisions on the Town Manager's goals. He respectfully requests the Board make a decision.

VI. Regular Business of the Board

A. <u>Ultimate Perk Outdoor Dining License</u>

The Town Clerk explained that the conditional approval given to Ultimate Perk, Inc., 96 Main Street, for an Outdoor Dining License for four tables and eight chairs on the public sidewalk required the addition of a public restroom. Their request for a variance for this requirement was denied by the State Plumbing Code so the license has not been issued. The option for Ultimate Perk, without having to add a public restroom which they have no space to do, is not to increase the current seating. They will have the same number of seats but move them in/out as weather permits. No action is required by the Board.

B. <u>Eliminating Andover's Sub-precincts – First Reading</u>

The Town Clerk reported on the letter he prepared on behalf of the Board to the Joint Committee on Election Laws in support of the passage of an Act to eliminate subprecincts in the Town of Andover.

Selectman Major motioned the Board support the legislative letter drafted by the Town Clerk on the Board's behalf to be read into testimonial record on September 18, 2013. The motion was seconded by Selectman Salafia and voted 5-0 to approve.

C. <u>Delegation of Licensing/Permitting Authority to Town Manager – First Reading</u> The Town Clerk provided the Board with a list of items to consider for delegating authority to the Town Manager for the approval of routine licensing/permitting requests. The Board discussed the items presented and the Town Clerk said he will make suggestions to modify Board policies to reflect the changes and present for approval.

D. Zoning Board of Appeals Associate Member Vacancies

The Board received four applications for the three associate positions open on the Zoning Board of Appeals. Paul Salafia and Brian Major agreed to interview the candidates and provide their recommendations to the Board.

E. <u>Banners Across Main Street – First Reading</u>

The Town Manager provided the background on the policy approval of the Regulations for the Banners across Main Street in the General Business District. The Board is required to vote on the regulations which are a reiteration of the bylaw. The Board discussed the cost of putting the banner up and taking it down and feel the cost charged to users for this service is too high and would discourage use. The Town Manager will look into the cost and report back to the Board.

F. <u>Town Accountant Subcommittee Report</u>

Selectmen Lyman and Kowalski updated the Board on the two proposals they as subcommittee members have brought forward for the Town Accountant position. Selectman Lyman recommends Option A, keeping the position as is, maintaining a sense of authority and reporting to the Board.

Selectman Kowalski supports Option D, to insure coordinated communication, independence to approach the Board, and moving the position under the direction of the Finance Director as an Assistant Finance Director. In this capacity, the Town Accountant would serve with a higher level of position than a Department Head and fill in for the Finance Director when needed. Option D would allow for a better use of resources, the position would be downgraded to an M1 saving costs while still being independent. A new job description would be developed under the direction of the Human Resources Director.

The Town Manager said bringing the Town Accountant position into the Finance Department is key as the work they do is closely related and intertwined. He supports the creation of the two departments into a new venue as Financial Services which best describes what the infrastructure does in terms of accounting.

The Board talked about the pros and cons of both options and expressed their opinions, asked questions and provided suggestions on the position change. When the Board was queried as to their choice they responded as follows: Option D: Selectman Salafia, Major, Kowalski and Vispoli. Option A: Selectman Lyman. The Board does feel that expectations should be in the structure changes, additional clarity is need in the matrix management and a step should be added to include the Board of Selectmen working with the Finance Director to ensure success of this model.

Selectman Kowalski motioned the Town of Andover adopt Option D forming a Financial Services Organization, moving the Town Accountant and staff under the direction of the Finance Director at an M1 level. The motion was seconded by Selectman Lyman and unanimously voted to approve.

G. <u>Town Manager's Evaluation Subcommittee Report</u>

Selectmen Salafia distributed a recap of the Town Manager's goals which were reviewed by the Board. Sub-committee members Salafia and Major reported on the status of each goal. 1. OPEB – underway with specific recommendations on options. An actuarial study is in process and will be presented at the Tri-Board meeting on September 9, 2013. 2. Town Yard – The Town Manager completed the requirement, a plan was in place and presented at Town Meeting. 3. Implementation/Consolidation of the DPW and Plant & Facilities: this goal was completed and the implementation is in process. 4. Pilot Program in lieu of taxes: This goal was not met in the specific time frame presented. 5. Use of School Facilities: This goal did not meet the timing schedule. Meetings are still in

progress with the School Department requesting more time to review. 6. Ballardvale Fire Station – this goal did not meet expectations due to the lack of a clear policy. For FY-14 the Board needs to clearly express their request. 7. Expanding the Town Evaluation Pilot: this goal was met by the Town Manager. 8. New Ambulance Service/New Substation: This goal was not able to be met. 9. Labor Contracts: The Town Manager met this goal as all labor contracts have been met with the exception of the Department Heads Agreement. 10. Outsourcing efficiencies: this goal did not meet the timing date established but the Town Manager did issue a report to the Board in June which was due in April. 11) Janitorial Consolidation Town/School: The School Department did not want to pursue this option. 12) Construction projects: This goal was met as the new Bancroft School and Youth Center are both in progress. The Board agreed that going forward they need to provide definitive and specific goals and recommendations with a menu of options with resolutions.

VII. Consent Agenda

A. <u>Change of Manager</u>

On a motion by Selectman Salafia and seconded by Selectman Kowalski, the Board voted 5-0 to approve the request of Bertucci's Restaurant Corp., d/b/a Bertucci's Brick Oven Ristorante, 90 Main Street, Andover, for a Change of Manager on their Wine & Malt Restaurant License. The new Manager of record will be Adam R. Daneau. The request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license.

B. <u>Block Party</u>

On a motion by Selectman Kowalski and seconded by Selectman Major the Board voted 5-0 to approve the request of Lynn Makiej, 21 Arundel Street, for permission to block off her street on Saturday, October 5, 2013 from 2:00 P.M. to 7:00 P.M. (raindate – Sunday, October 6, 2013) for a neighborhood block party. The request has reviewed and approved with conditions by the Police Department.

C. <u>"Fill the Boot" Campaign</u>

On a motion by Selectman Salafia and seconded by Selectman Major, the Board voted 5-0 to approve the request of Firefighter Brian Wright, Muscular Dystrophy Association representative for the Andover Fire Rescue, for permission to conduct the MDA "Fill the Boot" campaign on Main Street in the downtown area on Friday, September 27 and Saturday, September 28, 2013 from 8:00 A.M. to 5:00 P.M. The request has been reviewed and approved with conditions by the Police Department.

D. <u>Appointments and Re-Appointments</u>

Selectman Major motioned that the following appointments by the Town Manager be approved:

DEPARTMENT	POSITION	RATE	EFF. DATE
FINANCE DEPARTS Christine M. Barrafor		IE16-6/\$55,382	9/23/13
MEMORIAL HALL I Michael Trainor	LIBRARY Library Page – PT (v. A. Smith)	L1-1/\$8.00/hr.	9/23/13
TOWN CLERK'S OF Victoria P. Coderre	<u>FICE</u> Pollworker – PT	\$8.25/hr.	7/15/13
COMMUNITY SERV Lucyna Mateja Mark Pelletier Adam Wright	<u>TCES</u> Enrichment Instructor – PT Counselor 3 – PT Sports Assistant – PT	\$1,500 C4C/\$10.00/hr. C2A/\$8.00/hr.	10/1/13 9/9/13 9/3/13

The motion was seconded by Selectman Salafia and voted 4-1 to approve. Selectman Lyman expressed her concern regarding the hiring of an Executive Secretary for the Finance Director at the rate and step 6 as presented. The position has been filled in a part-time basis for the last year and half.

VIII. Adjournment

At 9:58 P.M., on a motion by Selectman Kowalski and seconded by Selectman Major, the Board unanimously voted to adjourn the meeting. Roll call: M. Lyman-Y, B. Major-Y, A. Vispoli-Y, P. Salafia-Y, D. Kowalski-Y, and P. Salafia-Y.

Respectfully submitted,

Dee DeLorenzo

Recording Secretary

Documents: Memo from Town Clerk regarding the Ultimate Perk outdoor dining license

Memo from Town Clerk regarding letter delegating authority to Town Manager

Talent Bank Forms for ZBA Associate Member vacancies

Memo from Finance Director regarding Executive Secretary of Finance candidate

Banner Regulations and bylaw information

Town Manager's Goals Recap